

PTO/SB/08A (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

1

of

1

**Complete if Known**

|                        |                        |
|------------------------|------------------------|
| Application Number     | 10/756,970             |
| Filing Date            | January 13, 2004       |
| First Named Inventor   | Kevin T. Foley, et al. |
| Art Unit               | 3731                   |
| Examiner Name          | Unassigned             |
| Attorney Docket Number | MSDI-223/PC444.06      |

**U. S. PATENT DOCUMENTS**

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|-----------------------|--------------------------|--|--------------------------------|--|---|
|                       |                          | Number-Kind Code <sup>2</sup> (if known) |                                |  |   |
| mch<br>↓<br>mch       |                          | US- 5,197,971                            | 03-30-1993                     | Bonutti  |   |
|                       |                          | US- 5,235,966                            | 08-17-1993                     | Jamner   |   |
|                       |                          | US- 5,454,365                            | 10-03-1995                     | Bonutti  |   |
|                       |                          | US- 5,620,458                            | 04-15-1997                     | Green et al.                                       |   |
|                       |                          | US- 5,638,997                            | 06-17-1997                     | Hawkins et al.                                     |   |
|                       |                          | US- 6,228,022                            | 05-08-2001                     | Friesem et al.                                     |   |
|                       |                          | US- 2002/0026195 A1                      | 02-28-2002                     | Layne et al.                                       |   |
|                       |                          | US-                                      |                                |  |   |
|                       |                          | US-                                      |                                |  |   |
|                       |                          | US-                                      |                                |  |   |
|                       |                          | US-                                      |                                |  |   |
|                       |                          | US-                                      |                                |  |   |
|                       |                          | US-                                      |                                |  |   |
|                       |                          | US-                                      |                                |  |   |
|                       |                          | US-                                      |                                |  |   |
|                       |                          | US-                                      |                                |  |   |
|                       |                          | US-                                      |                                |  |   |
|                       |                          | US-                                      |                                |  |   |
|                       |                          | US-                                      |                                |  |   |
|                       |                          | US-                                      |                                |  |   |
|                       |                          | US-                                      |                                |  |   |

**FOREIGN PATENT DOCUMENTS**

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Foreign Patent Document   | Publication<br>Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>Or Relevant Figures Appear | T <sup>6</sup> |
|-----------------------|--------------------------|---|-----------------------------------|--|---|----------------|
|                       |                          | Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known) |                                   |  |   |                |
| mch<br>mch            |                          | EP 1 293 228 A2   | 03-19-2003                        | Terumo Medical Corp.                               |   |                |
|                       |                          | WO 2004/049961 A1   | 06-17-2004                        | OTIS-BIOTECH CO., LTD.                             |   |                |
|                       |                          |   |                                   |  |   |                |
|                       |                          |   |                                   |  |   |                |
|                       |                          |   |                                   |  |   |                |
|                       |                          |   |                                   |  |   |                |
|                       |                          |   |                                   |  |   |                |
|                       |                          |   |                                   |  |   |                |
|                       |                          |   |                                   |  |   |                |
|                       |                          |   |                                   |  |   |                |
|                       |                          |   |                                   |  |   |                |
|                       |                          |   |                                   |  |   |                |
|                       |                          |   |                                   |  |   |                |
|                       |                          |   |                                   |  |   |                |
|                       |                          |   |                                   |  |   |                |
|                       |                          |   |                                   |  |   |                |
|                       |                          |   |                                   |  |   |                |
|                       |                          |   |                                   |  |   |                |
|                       |                          |   |                                   |  |   |                |

Examiner  
SignatureDate  
Considered

5/14/07

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 6

**Complete if Known**

|                        |                    |
|------------------------|--------------------|
| Application Number     | 10/756,970         |
| Filing Date            | January 13, 2004   |
| First Named Inventor   | Kevin T. Foley     |
| Group Art Unit         | 3731               |
| Examiner Name          | Unassigned         |
| Attorney Docket Number | 4002-3443/PC444.06 |

**U.S. PATENT DOCUMENTS**

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Application of Cited Document | Pages, Columns, Lines where<br>Relevant Passages or Relevant<br>Figures Appear |
|-----------------------|--------------------------|--|--------------------------------|--|--|
|                       |                          | Number-Kind Code <sup>2</sup> (if known) |                                |  |  |
| mch                   |                          | 4,313,434                                | 02-02-1982                     | Segal  |  |
|                       |                          | 4,545,374                                | 10-08-1985                     | Jacobson   |  |
|                       |                          | 4,603,694                                | 08-05-1986                     | Wheeler  |  |
|                       |                          | 4,969,888                                | 11-13-1990                     | Scholten et al.                                      |  |
|                       |                          | 4,990,148                                | 02-05-1991                     | Worrick III et al.                                   |  |
|                       |                          | 5,062,845                                | 11-05-1991                     | Kuslich et al.                                       |  |
|                       |                          | 5,112,346                                | 05-12-1992                     | Hillebrandt et al.                                   |  |
|                       |                          | 5,431,676                                | 07-11-1995                     | Dubrul et al.  |  |
|                       |                          | 5,445,639                                | 08-29-1995                     | Kuslich et al.                                       |  |
|                       |                          | 5,484,441                                | 01-16-1996                     | Koros et al.   |  |
|                       |                          | 5,562,736                                | 10-08-1996                     | Ray et al.   |  |
|                       |                          | 5,653,713                                | 08-05-1997                     | Michelson  |  |
|                       |                          | 5,913,867                                | 06-22-1999                     | Dion   |  |
|                       |                          | 5,928,239                                | 07-27-1999                     | Mirza  |  |
|                       |                          | 6,004,326                                | 12-21-1999                     | Castro et al.  |  |
| mch                   |                          | 6,066,154                                | 05-23-2000                     | Reiley et al.  |  |
|                       |                          | 6,080,174                                | 06-27-2000                     | Dubrul et al.  |  |
|                       |                          | 6,142,997                                | 11-07-2000                     | Michelson  |  |

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Foreign Patent Document   | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Application of Cited<br>Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear | T <sup>3</sup> |
|-----------------------|--------------------------|---|--------------------------------|---|---|----------------|
|                       |                          | Country Code <sup>4</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) |                                |   |   |                |
|                       |                          |   |                                |   |   |                |
|                       |                          |   |                                |   |   |                |
|                       |                          |   |                                |   |   |                |
|                       |                          |   |                                |   |   |                |
|                       |                          |   |                                |   |   |                |
|                       |                          |   |                                |   |   |                |
|                       |                          |   |                                |   |   |                |
|                       |                          |   |                                |   |   |                |
|                       |                          |   |                                |   |   |                |
|                       |                          |   |                                |   |   |                |
|                       |                          |   |                                |   |   |                |
|                       |                          |   |                                |   |   |                |
|                       |                          |   |                                |   |   |                |
|                       |                          |   |                                |   |   |                |

Examiner  
Signature

mch

Date  
Considered

5/14/07

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 909. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Substitute for form 1449A/PTO

*(use as many sheets as necessary)*

|       |   |    |   |
|-------|---|----|---|
| Sheet | 2 | of | 6 |
|-------|---|----|---|

**Complete if Known**

|                               |                    |
|-------------------------------|--------------------|
| <b>Application Number</b>     | 10/756,970         |
| <b>Filing Date</b>            | January 13, 2004   |
| <b>First Named Inventor</b>   | Kevin T. Foley     |
| <b>Group Art Unit</b>         | 3731               |
| <b>Examiner Name</b>          | Unassigned         |
| <b>Attorney Docket Number</b> | 4002-3443/PC444.06 |

| Examiner Initials* | Cite No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Application of Cited Document | Pages, Columns, Lines where<br>Relevant Passages or Relevant<br>Figures Appear |
|--------------------|-----------------------|--|--------------------------------|--|--|
|                    |                       | Number-Kind Code <sup>2</sup> (if known) |                                |  |  |
| mch                |                       | 6,200,320                                | 03-13-2001                     | Michelson  |  |
|                    |                       | 6,224,604                                | 05-01-2001                     | Suddaby  |  |
|                    |                       | 6,235,043                                | 05-22-2001                     | Reiley et al.  |  |
|                    |                       | 6,241,734                                | 06-05-2001                     | Scribner et al.                                      |  |
|                    |                       | 6,248,110                                | 06-19-2001                     | Reiley et al.  |  |
|                    |                       | 6,280,456                                | 08-28-2001                     | Scribner et al.                                      |  |
|                    |                       | 6,379,364                                | 04-30-2002                     | Brace et al.   |  |
|                    |                       | 6,383,188                                | 05-07-2002                     | Kuslich et al.                                       |  |
|                    |                       | 6,395,007                                | 05-28-2002                     | Bhatnagar et al.                                     |  |
|                    |                       | 6,423,083                                | 07-23-2002                     | Reiley et al.  |  |
|                    |                       | 6,440,138                                | 08-27-2002                     | Reiley et al.  |  |
|                    |                       | 6,468,279                                | 10-22-2002                     | Reo  |  |
|                    |                       | 6,485,456                                | 11-26-2002                     | Kletschka  |  |
|                    |                       | 6,530,933                                | 03-11-2003                     | Yeung et al.   |  |
|                    |                       | 6,575,919                                | 06-10-2003                     | Reiley et al.  |  |
| mch                |                       | 6,575,978                                | 06-10-2003                     | Peterson et al.                                      |  |
|                    |                       | 6,582,439                                | 06-24-2003                     | Sproul   |  |
|                    |                       | 6,582,446                                | 06-24-2003                     | Marchosky  |  |

[illegible]

**Examiner  
Signature**

Date  
Considered

5/14/07

EXAMINER: Initial if reference considered, whether or not citation is in conformance with NPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.


**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

|   |   |    |   |                          |                    |
|---|---|----|---|--------------------------|--------------------|
| Substitute for form 1449A/PTO<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br><i>(use as many sheets as necessary)</i> |   |    |   | <i>Complete if Known</i> |                    |
|   |   |    |   | Application Number       | 10/756,970         |
|   |   |    |   | Filing Date              | January 13, 2004   |
|   |   |    |   | First Named Inventor     | Kevin T. Foley     |
|   |   |    |   | Group Art Unit           | 3731               |
|   |   |    |   | Examiner Name            | Unassigned         |
|   |   |    |   | Attorney Docket Number   | 4002-3443/PC444.06 |
| Sheet   | 4 | of | 6 |                          |                    |

| U.S. PATENT DOCUMENTS |                          |  |                                |  |  |
|-----------------------|--------------------------|--|--------------------------------|--|--|
| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Application of Cited Document | Pages, Columns, Lines where<br>Relevant Passages or Relevant<br>Figures Appear |
|                       |                          | Number-Kind Code <sup>2</sup> (if known) |                                |  |  |
| mel                   |                          | US 2002-0010471                          | 01-24-2002                     | Wironen et al.                                       |  |
|                       |                          | US 2002-0013600                          | 01-31-2002                     | Scribner et al.                                      |  |
|                       |                          | US 2002-0020431                          | 02-21-2002                     | Chou   |  |
|                       |                          | US 2002-0022856                          | 02-21-2002                     | Johnson et al.                                       |  |
|                       |                          | US 2002-0026197                          | 02-28-2002                     | Foley et al.   |  |
|                       |                          | US 2002-0068939                          | 06-06-2002                     | Levy et al.  |  |
|                       |                          | US 2002-0082605                          | 06-27-2002                     | Reiley et al.  |  |
|                       |                          | US 2002-0099385                          | 07-25-2002                     | Ralph et al.   |  |
|                       |                          | US 2002-0120240                          | 08-29-2002                     | Bagga et al.   |  |
|                       |                          | US 2002-0156483                          | 10-24-2002                     | Voellmicke et al.                                    |  |
|                       |                          | US 2002-0161373                          | 10-31-2002                     | Osorio et al.  |  |
|                       |                          | US 2002-0173796                          | 11-21-2002                     | Cragg  |  |
|                       |                          | US 2002-0173813                          | 11-21-2002                     | Peterson et al.                                      |  |
|                       |                          | US 2002-0188299                          | 12-12-2002                     | Reiley et al.  |  |
|                       |                          | US 2002-0188300                          | 12-12-2002                     | Arramon et al.                                       |  |
|                       |                          | US 2003-0004530                          | 01-02-2003                     | Reo  |  |
|                       |                          | US 2003-0032963                          | 02-13-2003                     | Reiss et al.   |  |
|                       |                          | US 2003-0036763                          | 02-20-2003                     | Bhatnagar et al.                                     |  |

[illegible]

|                       |   |                    |         |
|-----------------------|---|--------------------|---------|
| Examiner<br>Signature |  | Date<br>Considered | 5/14/07 |
|-----------------------|---|--------------------|---------|

EXAMINER: Initial if reference considered, whether or not clause is in conformance with RIPEP 609. Draw line through clause if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 5 of 6

**Complete if Known**

|                        |                    |
|------------------------|--------------------|
| Application Number     | 10/756,970         |
| Filing Date            | January 13, 2004   |
| First Named Inventor   | Kevin T. Foley     |
| Group Art Unit         | 3731               |
| Examiner Name          | Unassigned         |
| Attorney Docket Number | 4002-3443/PC444.06 |

**U.S. PATENT DOCUMENTS**

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Application of Cited Document | Pages, Columns, Lines where<br>Relevant Passages or Relevant<br>Figures Appear |
|-----------------------|--------------------------|--|--------------------------------|--|--|
|                       |                          | Number-Kind Code <sup>2</sup> (if known) |                                |  |  |
| mch                   |                          | US 2003-0078589                          | 04-24-2003                     | Preissman  |  |
|                       |                          | US 2003-0125747                          | 07-03-2003                     | Sproul   |  |
|                       |                          | US 2003-0144670                          | 07-31-2003                     | Pavcnik et al.                                       |  |
|                       |                          | US 2003-0195518                          | 10-16-2003                     | Cragg  |  |
|                       |                          | US 2003-0195547                          | 10-16-2003                     | Scribner et al.                                      |  |
|                       |                          | US 2003-0220650                          | 11-27-2003                     | Major et al.   |  |
|                       |                          | US 2003-0233096                          | 12-18-2003                     | Osorio et al.  |  |
|                       |                          | US 2004-0002713                          | 01-01-2004                     | Olson et al.   |  |
|                       |                          | US 2004-0024410                          | 02-05-2004                     | Olson et al.   |  |
|                       |                          | US 2004-0052829                          | 03-18-2004                     | Shimp  |  |
| mch                   |                          | US 2004-0064058                          | 04-01-2004                     | McKay  |  |
|                       |                          | US 2004-0068264                          | 04-08-2004                     | Treace   |  |
|                       |                          | US 2004-0068267                          | 04-08-2004                     | Harvie et al.  |  |
|                       |                          | US 2004-0092946                          | 05-13-2004                     | Bagga et al.   |  |
|                       |                          | US 2004-0102845                          | 05-27-2004                     | Reynolds   |  |
|                       |                          |  |                                |  |  |
|                       |                          |  |                                |  |  |
|                       |                          |  |                                |  |  |
|                       |                          |  |                                |  |  |
|                       |                          |  |                                |  |  |
|                       |                          |  |                                |  |  |

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Foreign Patent Document   | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Application of Cited<br>Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear | Y <sup>4</sup> |
|-----------------------|--------------------------|---|--------------------------------|---|---|----------------|
|                       |                          | Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) |                                |   |   |                |
|                       |                          |   |                                |   |   |                |
|                       |                          |   |                                |   |   |                |
|                       |                          |   |                                |   |   |                |
|                       |                          |   |                                |   |   |                |
|                       |                          |   |                                |   |   |                |
|                       |                          |   |                                |   |   |                |
|                       |                          |   |                                |   |   |                |
|                       |                          |   |                                |   |   |                |
|                       |                          |   |                                |   |   |                |

Examiner  
SignatureDate  
Considered

5/19/07

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

**Complete if Known**

|                        |                    |
|------------------------|--------------------|
| Application Number     | 10/756,970         |
| Filing Date            | January 13, 2004   |
| First Named Inventor   | Kevin T. Foley     |
| Group Art Unit         | 3731               |
| Examiner Name          | Unassigned         |
| Attorney Docket Number | 4002-3443/PC444.06 |

Sheet 6 of 6

**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

| Examiner Initials* | Cito No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher city and/or country where published   | 7 |
|--------------------|-----------------------|--|---|
| mch                |                       | WALTER DICK, Internal Fixation of Thoracic and Lumbar Spine Fractures, 1943, Hans Huber Publishers, 130 pages  |   |
| mch                |                       | H.G. EDELAND, Open Reduction of Central Compression Fractures of the Tibial Plateau, Preliminary Report of a New Method and Device Arrangement, Department of Orthopaedic Surgery, Central Hospital, Molndal, Sweden, 1976, Acta orthop. scand. 47, 686-689  |   |
| mch                |                       | N. ZEMLYAK, The Method of Endoprosthetic Replacement of the Coxofemoral Joint, Description of Invention (Supplement to the Certificate of Authorship), 04/12/1983, SU 1148610A, U.S.S.R. State Committee on Inventions and Discoveries, 5 pages  |   |
| mch                |                       | H. DANIAUX, Transpedicular Repositioning and Spongiosaplasty in Fractures of Vertebral Bodies of the Lower Thoracic and Lumbar Spine (German), 1986, Unfallchirurg (Trauma Surgeon), University Clinic for Traumatologic Surgery, Innsbruck, 89:197-213, 17 pages  |   |
| mch                |                       | H. DANIAUX, Transpedicular Repositioning and Spongiosaplasty in Fractures of Vertebral Bodies of the Lower Thoracic and Lumbar Spine (English), 1986, Unfallchirurg (Trauma Surgeon), University Clinic for Traumatologic Surgery, Innsbruck, 89:197-213, 14 pages                                       |   |
| mch                |                       | NIKOLAUS NICOLA M.D. and EVALDO LINS M.D., Vertebral Hemangioma: Retrograde Embolization - Stabilization with Methyl Methacrylate, Department of Neurosurgery and Neuroradiology, University of Dusseldorf, Federal Republic of Germany, 1987, Elsevier Science Publishing Co., Inc., 27:481-6, 6 pages  |   |
| mch                |                       | P. GALIBERT, H. DERAMOND, P. ROSAT, D. LE GARS, Preliminary Note on Treatment of Spinal Angiomas by Percutaneous Acrylic Vertebroplasty (French and English), 1987, Masson, Paris, Neurosurgery Dept., Regional University Hospital Center, PO Box 3006, 80030 Amiens Cedex, France, 33:166-168, 5 pages |   |
| mch                |                       | C. LAPRAS, C. MOTTOLESE, R. DERUTY, CH. LAPRAS JR., J. REMOND, J. DUQUESNEL, Percutaneous Injection of Methylmethacrylate in the Treatment of Severe Vertebral Osteoporosis and Osteolysis (P. Galibert Technique), 1989, Annales De Pediatrie, Paris Cedex, France, 43, 5, 371-376, 11 pages            |   |
| mch                |                       | P. GALIBERT, H. DERAMOND, Percutaneous Acrylic Vertebroplasty as Treatment for Spinal Angiomas and Painful, Debilitating Spinal Conditions, 1990, Masson, Paris, 116, p. 326-335, 18 pages   |   |
| mch                |                       | DR. MATTHIAS RICHTER-TURTUR, Instrument for Treatment of Vertebral Fracture, 02/07/1991, DE 39 22 044 A1, 9 pages  |   |
| mch                |                       | H. DERAMOND, P. GALIBERT, C. DEPRIESTER-DEBUSSCHE, Percutaneous Intraosseous Injections in Palliative Treatment of Bone Metastases, Amiens University Hospital Center, Place Victor-Pauchet, 80054 Amiens Cedex 1, France, p. 36-40, 9 pages   |   |
| mch                |                       | YVES BASCOULERGUE MD, J. DUQUESNEL MD, R. LECLERCQ MD, C. MOTTOLESE MD, C. LAPRAS MD, Percutaneous Injection of Methyl Methacrylate in the Vertebral Body for the Treatment of Various Diseases: Percutaneous Vertebroplasty, 1205, 1 page   |   |

Examiner  
SignatureDate  
Considered

5/14/07

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**INFORMATION DISCLOSURE CITATION**

(Use several sheets if necessary)

Page 1 of 2

Atty. Docket No.

4002-3443

Serial No.

New

Applicant

Kevin T. Foley et al.

Filing Date

January 13, 2004

Group

Unknown

**U.S. PATENT DOCUMENTS**

| *Examiner<br>Initial |    | DOCUMENT<br>NUMBER | DATE     | NAME               | CLASS | SUBCLASS | Filing Date<br>If appropriate |
|----------------------|----|--------------------|----------|--------------------|-------|----------|-------------------------------|
| <i>mdh</i>           | 1  | 817,973            | 4/17/06  | Hausmann           | 600   | 204      |                               |
|                      | 2  | 4,204,531          | 5/27/80  | Aginsky            | 128   | 92       |                               |
|                      | 3  | 4,854,312          | 8/8/89   | Raftopoulos et al. | 128   | 92       |                               |
|                      | 4  | 4,995,868          | 2/26/91  | Brazier            | 604   | 105      |                               |
|                      | 5  | 5,059,193          | 10/22/91 | Kuslich            | 606   | 61       |                               |
|                      | 6  | 5,074,871          | 12/24/91 | Groshong           | 606   | 170      |                               |
|                      | 7  | 5,108,404          | 4/28/92  | Scholten et al.    | 606   | 94       |                               |
|                      | 8  | 5,171,278          | 12/15/92 | Pisharodi          | 623   | 17       |                               |
|                      | 9  | 5,390,683          | 2/21/95  | Pisharodi          | 128   | 898      |                               |
|                      | 10 | 5,693,100          | 12/2/97  | Pisharodi          | 623   | 17       |                               |
|                      | 11 | 5,423,850          | 6/13/95  | Berger             | 606   | 192      |                               |
|                      | 12 | 5,480,400          | 1/2/96   | Berger             | 606   | 60       |                               |
|                      | 13 | 5,554,101          | 9/10/96  | Matula et al.      | 600   | 214      |                               |
|                      | 14 | 5,637,097          | 6/10/97  | Yoon               | 604   | 174      |                               |
|                      | 15 | 5,685,826          | 11/11/97 | Bonutti            | 600   | 204      |                               |
|                      | 16 | 5,690,606          | 11/25/97 | Slotman            | 600   | 206      |                               |
|                      | 17 | 5,707,390          | 1/13/98  | Bonutti            | 606   | 204      |                               |
|                      | 18 | 5,752,969          | 5/19/98  | Cunci et al.       | 606   | 167      |                               |
| <i>mdh</i>           | 19 | 5,755,732          | 5/26/98  | Green et al.       | 606   | 170      |                               |

**FOREIGN PATENT DOCUMENTS**

|  |  | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | Translation |    |
|--|--|-----------------|------|---------|-------|----------|-------------|----|
|  |  |                 |      |         |       |          | Yes         | No |
|  |  |                 |      |         |       |          |             |    |
|  |  |                 |      |         |       |          |             |    |
|  |  |                 |      |         |       |          |             |    |
|  |  |                 |      |         |       |          |             |    |
|  |  |                 |      |         |       |          |             |    |
|  |  |                 |      |         |       |          |             |    |
|  |  |                 |      |         |       |          |             |    |
|  |  |                 |      |         |       |          |             |    |

Examiner

Date Considered

\*Examiner: initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



**INFORMATION DISCLOSURE CITATION**  
 (Use several sheets if necessary)

Page 2 of 2

Atty. Docket No.

4002-3443

Serial No.

New

Applicant

Kevin T. Foley et al.

Filing Date

January 13, 2004

Group

Unknown

**U.S. PATENT DOCUMENTS**

| *Examiner<br>Initial |    | DOCUMENT<br>NUMBER | DATE     | NAME            | CLASS | SUBCLASS | Filing Date<br>If appropriate |
|----------------------|----|--------------------|----------|-----------------|-------|----------|-------------------------------|
| <i>mch</i>           | 20 | 5,782,713          | 7/21/98  | Yang            | 474   | 160      |                               |
|                      | 21 | 5,782,747          | 7/21/98  | Zimmon          | 600   | 104      |                               |
|                      | 22 | 5,785,647          | 7/28/98  | Tompkins et al. | 600   | 201      |                               |
|                      | 23 | 5,827,289          | 10/27/98 | Reiley et al.   | 606   | 86       |                               |
|                      | 24 | 5,865,802          | 2/2/99   | Yoon et al.     | 604   | 104      |                               |
|                      | 25 | 5,882,340          | 3/16/99  | Yoon            | 604   | 164      |                               |
|                      | 26 | 5,972,015          | 10/26/99 | Scribner et al. | 606   | 192      |                               |
|                      | 27 | 6,039,761          | 3/21/00  | Li et al.       | 623   | 17       |                               |
|                      | 28 | 6,127,597          | 10/3/00  | Beyar et al.    | 623   | 16       |                               |
|                      | 29 | 6,146,401          | 11/14/00 | Yoon et al.     | 606   | 192      |                               |
|                      | 30 | 6,149,664          | 11/21/00 | Kurz            | 606   | 194      |                               |
|                      | 31 | 6,187,015          | 2/13/01  | Brenneman       | 606   | 108      |                               |
|                      | 32 | 6,190,381          | 2/20/01  | Olsen et al.    | 606   | 32       |                               |
|                      | 33 | 6,214,016          | 4/10/01  | Williams et al. | 606   | 108      |                               |
|                      | 34 | 6,228,068          | 5/8/01   | Yoon            | 604   | 246      |                               |
|                      | 35 | 6,228,082          | 5/8/01   | Baker et al.    | 606   | 49       |                               |
|                      | 36 | 6,325,812          | 12/4/01  | Dubrul et al.   | 606   | 185      |                               |
| <i>mch</i>           | 37 | 2002/0072768       | 6/13/02  | Ginn            | 606   | 218      |                               |

**FOREIGN PATENT DOCUMENTS**

|  |  | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | Translation |    |
|--|--|-----------------|------|---------|-------|----------|-------------|----|
|  |  |                 |      |         |       |          | Yes         | No |
|  |  |                 |      |         |       |          |             |    |
|  |  |                 |      |         |       |          |             |    |
|  |  |                 |      |         |       |          |             |    |
|  |  |                 |      |         |       |          |             |    |
|  |  |                 |      |         |       |          |             |    |
|  |  |                 |      |         |       |          |             |    |
|  |  |                 |      |         |       |          |             |    |

Examiner

*mch*

Date Considered

*5/14/07*

\*Examiner: initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.